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5 UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION

8 ANGELICA DE LOS SANTOS; LUCIA
9 SALAZAR; DASHA BAYS; individually, and
10 on behalf of other members of the general
11 public similarly situated,

12 Plaintiffs,

13 vs.

14 PANDA EXPRESS, INC., a California
15 corporation; PANDA RESTAURANT GROUP,
16 INC., a California corporation, and DOES 1
17 through 10, inclusive,

18 Defendants.

Case No: C 10-1370 SBA

**ORDER DENYING DEFENDANTS'
MOTION TO STAY DISCOVERY**

19 Plaintiffs Angelica De Los Santos, Lucia Salazar and Dasha Bays (collectively
20 “Plaintiffs”) are current and former employees of Defendants Panda Express, Inc., and Panda
21 Restaurant Group (collectively “Defendants”), which allegedly engage in discriminatory
22 employment practices against non-Asians. Defendants have filed a motion to dismiss or strike,
23 which is set for hearing on December 7, 2010. Dkt. 13.

24 The parties are presently before the Court on Defendants’ motion to stay discovery
25 pending resolution for their motion to dismiss. Dkt. 16. Defendants argue that if their motion
26 to dismiss is granted, there will be no need to conduct discovery. However, such rationale
27 could be made in *every* case in which a motion to dismiss has been filed. As such, the Court
28 finds that Defendants’ justification for a stay of discovery to be unpersuasive. To the extent
that Defendants contend that Plaintiffs’ discovery requests are unduly burdensome, Defendants

1 may present their concerns to the assigned discovery magistrate judge in accordance with
2 Federal Rule of Civil Procedure 26. Accordingly,

3 IT IS HEREBY ORDERED THAT Defendants' motion to stay discovery is DENIED.

4 This Order terminates Docket 16.

5 IT IS SO ORDERED.

6 Dated: November 9, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge